

USDC SDNY
DOCUMENT
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Dr. Sabir was a board certified internist and had no capability to treat gunshot wounds or any other combat injury. On the recorded conversation of 20 May 2005 Dr. Sabir clearly told Mr. Soufan that he would not do anything outside his expertise, and treating combat trauma is certainly outside of his expertise.

The government responded that Dr. Sabir has no proof that the recordings were altered. This is a major fact at issue that, if proven, would destroy the government's case against Dr. Sabir, since their main contention was that Dr. Sabir intended to treat wounded combatants, and their proof was Mr. Soufan's statement on the recording.

In light of the government's response the authenticity of the recording is directly relate to prejudice prong required under Strickland.

If proven that the recording was altered that would also establish prosecutorial misconduct, which Dr. Sabir claimed on this issue in Ground Six.

Dr. Sabir is in prison and is financially destitute with no resources outside of prison. Due to that Dr. Sabir cannot get access to the recording and cannot get an expert to analyze the recording to prove his point for evidence of tampering.

Dr. Sabir therefore requests that the Court appoint an independent forensic expert in audioengineering to analyze the recording in order to confirm that tampering took place.

Dr. Sabir does not request that the entire recording get analyzed; but only the portion where Mr. Soufan mentions "bullets". Dr. Sabir asks the Court to inform the expert that: 1) There is a change in background noise in that segment, (there is no background noise); and 2) Dr. Sabir does not respond because the statement was never made to Dr. Sabir on 20 May 2005.

Dr. Sabir would want the results of that analysis to be made part of the record, and to have copies sent to both parties.

Dr. Sabir Requests this to be done as soon as possible to expedite the proceedings for judicial economy and in the interest of justice.

I declare under penalty of perjury that the foregoing is true
and correct. Executed on 16 May 2013.



Rafiq Sabir

[illegible]

I, Rafiq A. Sabir, declare under penalty of perjury that I have served a copy of the attached MOTION TO EXPAND THE RECORD, pursuant to 28 USCS §2255 Rule 7 upon the United States Attorney, whose address is

by **First Class Mail.**


Rafiq Sabir

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Post Office Box 6001
Ashland, Kentucky 41105

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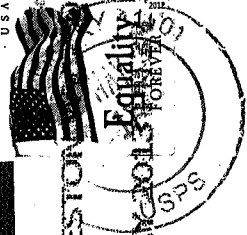
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